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C O N F I D E N T I A L SECTION 01 OF 05 BAKU 001212

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TAGS: [PHUM](#) [PGOV](#) [PREL](#) [KDEM](#) [SOCI](#) [AJ](#)  
SUBJECT: JOURNALIST BEATEN AND OPPOSITIONIST COMMITTED TO  
MENTAL HOSPITAL IN NAKHCHIVAN

Classified By: AMBASSADOR ANNE E. DERSE PER 1.4(B,D).

11. (C) SUMMARY: In the exclave of Nakhchivan, between September 22 and 23, Yeni Musavat newspaper correspondent Hakimeldostu Mehdiyev was reportedly detained and beaten by Nakhchivan Ministry of National Security (MNS) officials. On September 20, Alasgar Ismayilov, a Popular Front Party (PFP) member, reportedly was forcibly committed to a mental institution. Mehdiyev was released from jail on September 127. He told the Embassy that he was jailed and beaten in retaliation for his reporting on Nakhchivan's social problems; he also said that local doctors were afraid to treat his injuries. Nakhchivani officials claim Mehdiyev was arrested on gambling charges, although Minister of National Security Mahmudov separately confirmed that Mehdiyev was questioned by local MNS officials regarding a recent article. According to his wife, PFP activist Ismayilov was picked up by police on September 20 and involuntarily committed to a mental institution; Nakhchivani officials claim he was detained at the request of his family. Ismayilov was reportedly transferred to a mental institution near Baku on September 30. The Ambassador raised both cases with Presidential Chief of Staff Mehdiyev, Minister of Internal Affairs Usubov, Minister of National Security Mahmudov, Nakhchivan Autonomous Republic President Talibov, Presidential Foreign Policy Advisor Mammadov, and Deputy Foreign Ministers Khalafov, Mammadgulyev, and Azimov, urging the GOAJ to investigate the cases and prosecute those responsible for the abuses. Presidential Chief of Staff Mehdiyev pledged that the cases would be investigated and that, if any violations of law or human rights are identified, those responsible would be punished. END SUMMARY

12. (C) During a September 27-28 trip to Nakhchivan, Azerbaijan's exclave sandwiched among Armenia, Iran, and a tiny border with Turkey, Emboffs investigated two human rights abuse cases, that of then-detained opposition Yeni Musavat newspaper correspondent - and former Azadliq bloc parliamentary candidate - Hakimeldostu Mehdiyev, and Alasgar Ismayilov, a PFP member who appears to have been forcibly committed to a mental institution. On September 27, Poloff raised U.S. concerns over these cases with ruling Yeni Azerbaijan Party Member of Parliament and Nakhchivan State University Rector Isa Habibbayli. Habibbayli claimed to know nothing about either case. However, shortly after the meeting ended, Mehdiyev was released from detention, 11 days prior to the end of his 15-day sentence. Human rights activists separately reported that Ismayilov at the same time was transferred from the mental institution to an unknown location.

MEHDIYEV'S ARREST, DETENTION, AND TORTURE

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13. (C) On September 28, Poloff met with Mehdiyev and his family at their home in Nakhchivan's Sharur region. Mehdiyev was clearly in pain and unable to sit up for most of the meeting. He explained that he had been detained twice; on the afternoon of September 22, he had been sitting with friends at a teahouse in Nakhchivan City, when a group of local MNS personnel, including Sharur MNS Chief Vali Alasgarov, surrounded him and began to harass him about his writing, calling him a terrorist. According to Mehdiyev, Alasgarov slapped Mehdiyev and ordered his group of "sportsmen" to arrest him. He was taken to the basement of the Sharur MNS Headquarters, where he was detained and interrogated for approximately seven hours. During this period, Mehdiyev's family said they witnessed local police and low-level local MNS officials destroying a small shop and a teahouse owned by the family, by backing into them repeatedly with trucks. Family members told Poloff that police later returned to clean up the site, forcing them to help and threatening to arrest the young men if they did not.

14. (C) Mehdiyev said that while in MNS custody, MNS officials questioned him about his writing, and began kicking him with military-style boots and beating him with truncheons. Around 0200 on September 23, Mehdiyev said that Alasgarov came in drunk and interrogated him personally, at one point clapping his hands over Mehdiyev's ears hard enough to rupture his eardrums. Mehdiyev showed Poloff the extent of the injuries he sustained. In addition to the ruptured eardrums, Mehdiyev had extensive bruising on his arms and legs, and faint bruising on his back over his kidneys, where he said he was kicked. Mehdiyev also believed that several of his ribs were

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broken, and is concerned that he was bleeding internally as he had undergone intestinal surgery several months before his arrest. Poloff took photographs of Mehdiyev's injuries. Mehdiyev said local physicians were afraid to treat him following his release from prison; however, the press reported that Mehdiyev was treated at a local hospital on October 1, where doctors confirmed that several of his ribs were broken.

#### SECOND DETENTION AND SUMMARY PROSECUTION

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15. (C) On September 23, Mehdiyev was released and allowed to return home. However, according to Mehdiyev, several police officers came to his home later that day and took him to the local police station. En route to the police station, upon Mehdiyev's insistence, the officers brought him to the local hospital and allowed him to see a doctor, but did not allow him to undergo an x-ray, which Mehdiyev believes would prove that he had sustained internal injuries. Although the physician documented the external injuries, Mehdiyev was not given a copy of the documentation. At the police station, Mehdiyev was again questioned, then hastily taken before the local court on a Sunday afternoon, and tried with no lawyer present and only police officers as witnesses. Mehdiyev received a 15-day "administrative" sentence for disobeying police officers' orders, a misdemeanor under article 310.1.

16. (C) During his detention in police custody, Mehdiyev said that he was not tortured. However, he remained handcuffed throughout the period of detention, with one hand cuffed behind his head and the other behind his back. He chose to go on hunger strike, eating nothing but regularly drinking water. Mehdiyev said that he was allowed a few brief periods of exercise, but not regularly. (Azerbaijani law provides for one hour of exercise daily for inmates.) On September 27, Mehdiyev was released without prior notification, only being told "You are free." According to Mehdiyev, upon his release, prison officials warned him "If you talk to the foreigners, we will arrest your whole family." Although his family clearly feared potential repercussions from sharing

their story, as one elderly female relative put it, "How can it get any worse?"

#### POSSIBLE MOTIVES

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17. (C) Mehdiyev believes that his articles on social problems in Nakhchivan may have led to his arrest. He said he had recently written a series of articles on the situation at Nakhchivan Airport; for a period of several weeks, a reported 2,000 people were stranded in Nakhchivan due to an insufficient number of flights between Nakhchivan and Baku and the subsequent price increase of tickets for these flights. Mehdiyev said he has also written articles on the sporadic electricity supply to many of Nakhchivan's regions and the overall price increases that resulted from the Tariff Council's January decision to raise gas and utilities prices.

According to Mehdiyev, during his interrogation he was asked why he persisted in writing articles that portrayed Nakhchivan in a negative light. Mehdiyev also noted that a few days before his arrest, he had hosted a Voice of America correspondent from Baku at his home for breakfast, which he said may have angered local authorities.

18. (C) According to Mehdiyev, he and his family have long faced persecution from local authorities because of their political affiliation. He explained that he and his brother, Ramiz, were among a small group of veterans from Nakhchivan who had fought against Armenia during the administration of former President Albufaz Elchibey. After Heydar Aliyev took power, Mehdiyev said that most of the local veterans "switched sides" and started working for a construction company created by Aliyev's Nakhchivani cronies. Only a handful, including the Mehdiyev brothers, remained "loyal" to the opposition. Mehdiyev said that over the years, all but three of the opposition veterans had been arrested or driven out of Nakhchivan for their political beliefs; he claimed that one of these, his close friend, had been killed in a mysterious car explosion outside of his home.

19. (C) Mehdiyev said that he had been arrested and sentenced to five years' imprisonment in 1995 on charges of participating in militia activities opposing the government; he was included in one of the Council of Europe's (COE's)

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list of political prisoners and released six months early by presidential pardon in 2000. Mehdiyev's brother was arrested in 1994 on charges of firing a weapon at a police officer, for which he received the death penalty, which was abolished in Azerbaijan in 1998. He was released after serving ten years, also because of his status as a COE-determined political prisoner. In addition to the arrests, Mehdiyev said he had been shot in the back a few years ago in front of his home, which he believes was done by a police officer; no one was ever prosecuted for the crime. Regardless, Mehdiyev said that he plans to continue writing for Yeni Musavat newspaper: "I have been fighting for Azerbaijan's democracy for 17 years, and I will keep fighting. I have nothing left to lose." Mehdiyev also said that he plans to pursue his case in the courts, going as far up as the European Court of Human Rights if needed.

#### NAKHCHIVAN AUTHORITIES' EXPLANATION

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110. (C) Vasif Talibov, President of the Nakhchivan Autonomous Republic, provided a different version of events in an October 2 telcon with the Ambassador. According to Talibov, Mehdiyev, who was drunk and disorderly, was arrested on September 22 after he was discovered gambling in a teahouse. Talibov said that Mehdiyev had been in the company of a local governing Yeni Azerbaijan Party official, who subsequently was fired. Talibov said that Mehdiyev was not beaten while in custody, a point the Ambassador noted did not match the observations of the embassy officer who met Mehdiyev in

Nakhchivan. Talibov also told the Ambassador that Mehdiyev was a former prisoner who had served 15 years on murder charges and was subjected to court-ordered monitoring for the five years following his release from prison. Talibov further claimed that Mehdiyev was not a practicing journalist, as he was not registered with the appropriate Nakhchivan authorities and had never published any articles.

¶11. (C) In a separate October 2 conversation with the Ambassador, Minister of National Security Eldar Mahmudov confirmed that Mehdiyev had been interviewed by local MNS officials on the night of September 22. Mahmudov said that Nakhchivan police subsequently detained Mehdiyev after he was interviewed by the MNS, in connection with articles he had published recently regarding increased fuel prices.

#### ISMAYILOV'S INSTITUTIONALIZATION

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¶12. (C) On September 28, Poloff visited the family of Alasgar Ismayilov in Sadarak, a region near the Nakhchivan-Turkish border. Ismayilov is a 71-year old opposition PFP member, veteran, and doctor, who is well known in the community for providing free medical care to hundreds of underprivileged locals. Ismayilov's family was in tears, uncertain "whether he was dead or alive." According to Ismayilov's wife, they had last talked to him on September 24, but hospital staff would not allow family members to visit him. She said that police had come to Ismayilov's house on September 20, while he was home alone; police then took him to the local police station, at which time the Sadarak Police Chief declared him to be "crazy" and ordered that he be placed in a mental institution. He had not been charged with any crime. Ismayilov's wife said that Ismayilov was a very healthy man, who never so much as caught a cold, and was of sound mental capacity.

¶13. (C) Local human rights activist and Turan News Agency correspondent Jabbar Abbasov said that he had been allowed to visit Ismayilov several days prior, at which time he appeared malnourished and was flustered, demanding to know why he had been institutionalized. Abbasov said that he had returned to the facility on September 27 at 1000, and was not allowed to see Ismayilov; he said that a doctor apologized, stating that it was a "political" decision. Abbasov waited in the parking lot, and at 1100 saw Ismayilov being taken to a vehicle. He asked hospital staff where Ismayilov was being taken, and was told he was being transferred to the Nakhchivani Ministry of Internal Affairs (MIA). Abbasov followed the vehicle until it turned onto the road towards the MIA; he explained that the taxi driver lost his nerve and refused to follow the vehicle any further.

¶14. (C) After 1100 on September 27, Ismayilov's family, human rights activists, and journalists were unable to locate

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Ismayilov. MIA officials, police, and hospital staff did not comment on his whereabouts. All firmly believed that he was being kept in the basement of the MIA, where there are rumored to be interrogation rooms. On September 28, Poloff visited the MIA and was told that Ismayilov was not there: "This is a ministry, not a detention facility." Officials suggested that he may be at the local police headquarters. Poloff visited the police headquarters, where officials denied having seen Ismayilov, and stated that no one could be admitted without having been charged with something. They suggested that he may be at the pre-trial detention facility located about 25 minutes outside of Nakhchivan City. Poloff visited the facility, and was told that Ismayilov was not there. At approximately 1630, local journalists reported that the MIA had stated that Ismayilov had been returned to the mental institution. The MIA did not specify where he had been returned from, and Ismayilov's whereabouts during this 30-hour period remain unknown.

¶15. (C) Late on September 28, Poloff visited the mental institution, but was not allowed to meet with Ismayilov, although staff suggested that he was there. Hospital staff would not comment on where Ismayilov had been during the nearly 30-hour period, and the head doctor was unavailable for a meeting. One of the institution's department heads, also a doctor, told Poloff that they were preparing to transfer Ismayilov to a larger facility near Baku at 1700, because the Nakhchivani facility lacked the ability to treat his "condition." She said that Ismayilov had been assessed by a panel of the facility's experts. As of 1800, Ismayilov had not been transferred. On September 30, journalists and human rights activists reported that Ismayilov had been transferred to the Mashtaga facility outside of Baku, but that staff would not allow visitors to meet with Ismayilov. Human rights activists report that Ismayilov has been arrested four times before, but never placed in a mental institution. They believe that the GOAJ is attempting to exert psychological pressure on this well-known oppositionist.

¶16. (C) Nakhchivan President Talibov told the Ambassador on October 2 that Nakhchivani officials had taken custody of Ismayilov at his family's request. According to Talibov, Ismayilov had insulted and beaten his mother and other family members, and they feared for their safety. Talibov said he had documentation proving this information. (He later sent this documentation to the Embassy.) Nakhchivani officials subsequently determined that Ismayilov required medical attention. Talibov also noted that Ismayilov previously had been imprisoned, on unspecified charges.

#### AMBASSADOR'S INTERVENTIONS

¶17. (C) Between September 28 and October 2, the Ambassador raised these cases with Presidential Chief of Staff Ramiz Mehdiyev, Minister of National Security, Minister of Internal Affairs Ramil Usubov, Nakhchivani President Vasif Talibov, Presidential Foreign Policy Advisor Novruz Mammadov, and Deputy Foreign Ministers Mammadguliyev, Khalafov, and Azimov.

With all of these officials, the Ambassador noted that the USG is concerned whenever it receives reports of possible human rights violations, and the allegations of official involvement in these cases is particularly disturbing. She urged that in light of Azerbaijan's human rights commitments, the GOAJ investigate and ensure that those responsible are brought to court. Presidential Chief of Staff Mehdiyev said he would issue instructions that both cases be thoroughly investigated and if violations of law or human rights are identified, those responsible would be punished. Interior Minister Usubov also pledged to look into the cases, and said that he understood Yeni Musavat journalist Mehdiyev had been released, and that he had full rights to apply to the courts to address his concerns. Usubov said he had information that PFP activist Ismayilov was "mentally damaged;" the Ambassador told him our information indicated this was not the case. Usubov said he would ask the Acting Prosecutor General to conduct an investigation into the case. (On October 3, we learned that Ismayilov may be released to his family on October 4, potentially as a result of the Ambassador's interventions.)

#### COMMENT

¶18. (C) The Nakhchivan Autonomous Republic, an exclave, is

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notorious in Azerbaijan as a land unto itself, controlled by its president, Vasif Talibov, and clinging to the totalitarian traditions of its Soviet past. Former President Heydar Aliyev made his political comeback from Nakhchivan, and much of Azerbaijan's governing elite has roots in the exclave. Talibov is widely known to have been close to former President Heydar Aliyev (also a former President of Nakhchivan). Observers note that his relative freedom of



action in Nakhchivan is due to the support he provided Heydar Aliyev.

¶19. (C) Minister of National Security Mahmudov's confirmation that Yeni Musavat journalist Mehdiyev was questioned on the night of September 22 regarding an article he had written undermines Talibov's version of events. MNS officials generally are viewed as upholding higher professional and human rights standards than their counterparts in the Ministry of Internal Affairs; if Mehdiyev's version of events is true, it also raises concerns about the conduct of Nakhchivan's MNS officers. We need to drive home to the GOAJ that allegations of blatant human rights abuses like these, especially those involving officials, must be investigated and punished. We will continue to urge the GOAJ to investigate the alleged abuses and prosecute and punish those found responsible, and will continue to monitor and report developments in both cases. We encourage Washington officials to reinforce our message in meetings with GOAJ officials.

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